

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA MARTINEZ,

Defendant.

Case No. 2:21-cr-00219-APG-DJA

ORDER

[Docket No. 47]

Pending before the Court is Defendant Joshua Martinez's motion to modify conditions of pretrial release. Docket No. 47. The United States filed a response in opposition. Docket No. 48. Defendant filed a reply. Docket No. 49.

On September 10, 2021, the Court ordered Defendant released on a personal recognizance bond subject to pretrial release conditions. *See* Docket No. 13. Conditions the Court imposed include home detention and GPS monitoring. *See id.* at 5. The home detention condition provides an exception for employment. *Id.* at 5. Defendant can only travel within six miles of his home. *See id.* at 6. Defendant cannot travel to Las Vegas except to attend court, meet with his attorney, meet with Pretrial Services, drug test, attend treatment, or see his children. *Id.* Defendant cannot have contact, directly or indirectly, with Deputy District Attorney Michael Dickerson or Detective Ken Mead. *Id.*

Defendant now asks the Court to modify his conditions so that he may travel to Las Vegas to sell produce at a weekly farmers' market. Docket No. 47. Defendant asserts that he has been on pretrial release for 15 months and has complied with all of his release conditions without violation. *Id.* at 3. Defendant further submits that United States Pretrial Services supports his requested modification. *Id.*

In response, the United States asks the Court to deny Defendant's request. Docket No. 48. The United States asserts that Defendant has presented no new facts showing that he presents a

1 reduced risk to Deputy District Attorney Michael Dickerson or Detective Ken Mead. *Id.* at 1-2.
2 The United States further asserts that the identified farmers' market is less than a mile from the
3 office of Deputy District Attorney Michael Dickerson and that Deputy District Attorney Michael
4 Dickerson sometimes works in that office on Saturdays, such that Defendant would potentially be
5 in close proximity to Deputy District Attorney Michael Dickerson. *Id.*

6 In reply, Defendant contends that conditions mitigating risk are already in place, given that
7 Defendant is subject to GPS monitoring, must have permission before traveling to Las Vegas, and
8 must explain where he is going and when. Docket No. 49 at 1-2. Defendant also replies that the
9 proximity of the farmers' market to Deputy District Attorney Michael Dickerson's office is not
10 justification to deny the modification request because Defendant is otherwise permitted to travel
11 in such proximity for other purposes. *Id.* at 2. Defendant further replies that the has been on
12 release with conditions for 15 months without attempting to contact Deputy District Attorney
13 Michael Dickerson or Detective Mead. *Id.* Defendant lastly argues that approving his
14 modification request is consistent with the requirement that he seek lawful employment. *Id.*

15 At Defendant's detention hearing, the Court found that the conditions it imposed, including
16 the conditions of home confinement and limitations on travel to Las Vegas, were the least
17 restrictive conditions to reasonably assure both the safety of the community and the appearance of
18 Defendant as required, as required by 18 U.S.C. § 3142. Docket Nos. 6, 13. Defendant's present
19 motion does not persuade the Court that the conditions it imposed are no longer the least restrictive
20 conditions of release.

21 Accordingly, the Court **DENIES** Defendant's motion to modify conditions of pretrial
22 release.

23 IT IS SO ORDERED.

24 DATED: December 27, 2022

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28 Nancy J. Koppe
United States Magistrate Judge